

United States District Court

DISTRICT OF

UNITED STATES OF AMERICA

V.

JULIO FABELA-NIEBLA

CRIMINAL COMPLAINT

CASE NUMBER: 08- 81-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 13, 2008 in New Castle county, in the

District of Delaware defendant(s) did, (Track Statutory Language of Offense)

having been deported from the United States on or about April 28, 2006, was found in the United States and the defendant had no authorization to be in the United States.

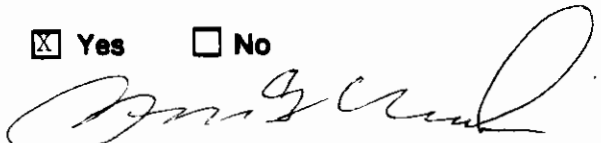
in violation of Title 8 United States Code, Section(s) 1326(b)(2)

I further state that I am a(n) U.S. Immigration & Customs Enforcement Agent and that this complaint is based on the following
Official Title

facts: AFFIDAVIT attached.

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No



Signature of Complainant
Brian Maher, Special Agent
U.S. Immigration & Customs Enforcement

Sworn to before me and subscribed in my presence,

April 14, 2008
Date

at

Wilmington, Delaware
City and State

Honorable Leonard P. Stark
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Brian Maher, being duly sworn, hereby depose and say:

1. I have been employed as a Special Agent with U.S. Immigration and Customs Enforcement (ICE) and one of its predecessor agencies, the U.S. Customs Service, for six years. During this time I have conducted or participated in numerous and varied investigations of immigration and customs violations, including but not limited to the illegal reentry of previously removed/deported aggravated felons. All of the information contained in this affidavit is based on my personal knowledge or on information furnished to me by other ICE Special Agents or other law enforcement officers involved in this investigation.
2. This affidavit is made in support of an arrest warrant for a Mexican national and citizen named Julio FABELA-Niebla, with a date of birth of May 28, 1976, for being an aggravated felon who has re-entered the United States after having been previously removed or deported, a violation of Title 8, United States Code, Section 1326(b)(2).
3. On April 13, 2008 (a Sunday), at or around 1:52 am, FABELA was arrested by the Delaware State Police (DSP) on the following charges: 1) Driving Under the Influence of Alcohol, with a blood alcohol content of 0.219%; 2) Driving Without a License; 3) Failure to Have Minimum Insurance; and 4) Inattentive Driving. After handcuffing him and while attempting to place him in the DSP patrol car, FABELA attempted to flee. After developing a suspicion that FABELA is present in the United States illegally, the DSP Trooper contacted me. I responded immediately to the Troop and established FABELA's alienage and deportability

through an interview. The DSP Trooper and I transported the subject to the local jail, where he was housed until I picked him up at approximately 9:00 am on April 14, 2008, in order to process him for removal.

4. On April 14, 2008, in the course of routine Immigration removal processing, I fingerprinted FABELA and electronically submitted the fingerprints to the Integrated Automated Fingerprint Identification System (IAFIS) and to an Immigration fingerprint identification system (IDENT), which returned records indicating that FABELA has the following criminal and removal/deportation history.
5. On or about September 17, 1995, FABELA was arrested by the Los Angeles Police Department and charged with the Purchase and Possession for Sale of a Narcotic Controlled Substance (California penal code 11351 HS), and later sentenced to 180 days in jail and 36 months probation.
6. On or about April 29, 1996, FABELA was removed/deported to Mexico from the United States.
7. On or about May 12, 2005, FABELA was arrested by Immigration and Customs Enforcement (ICE) in or around Chicago, Illinois, and charged with Transporting Illegal Aliens. On or about February 17, 2006, in the Central District of Illinois, FABELA was convicted for the Illegal Transportation of Aliens and later sentenced to one year and one day of prison.
8. On or about April 28, 2006, FABELA was removed to Mexico from the United States.

9. On or about July 20, 2006, FABELA was arrested for the Illegal Reentry into the United States by an Aggravated Felon, and on or about July 25, 2006, was sentenced to six months of prison.
10. On or about January 12, 2007, FABELA was removed to Mexico from the United States.
11. Based upon the facts as I know them and have presented above, I submit that there is probable cause to believe that Julio FABELA-Niebla is an aggravated felon who has illegally reentered the United States after having been removed/deported, a violation of Title 8, United States Code, Section 1326(b)(2).

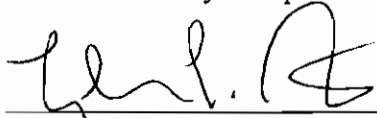
On² FABELA received notice at his last removal that he is prohibited from entering, attempting to enter or being present in the U.S. at any time.

On¹³ FABELA stated to me in his initial interview that he last entered the U.S. illegally and without inspection.

Brian Maher
Special Agent

U.S. Immigration and Customs Enforcement

Sworn to and subscribed before
me this 14th day of April 2008



Honorable Leonard P. Stark
United States Magistrate Judge